IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION NO. 4:09-CR-71-1H

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	ORDER
)	ONDER
JOVANNY PENA,)	
Defendant.)	

This matter is before the court on defendant's motions to suppress all evidence seized pursuant to a motor vehicle search conducted following a traffic stop on March 12, 2008, as well as any fruits of the search. Following an evidentiary hearing held on November 12, 2009, Magistrate Judge David W. Daniel filed a Memorandum and Recommendation (M&R) recommending that defendant's motions be denied. Defendant has not objected, and the time for doing so has expired. Therefore, this matter is ripe for adjudication.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated

therein, the defendant's motions to suppress [DE #16 & 17] are hereby DENIED.

This B day of January 2010.

MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, N.C. #31